

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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5 FRANK PECK,

6 Plaintiff,

7 vs.

8 STATE OF NEVADA, ex rel. Nevada  
9 Department of Correction, et al.; PRISON  
10 COMMISSIONERS; GOVERNOR BRIAN  
11 SANDOVAL; SECRETARY OF STATE  
12 BARBARA CEGAVSKI; ATTORNEY  
13 GENERAL ADAM LAXALT; DIRECTOR OF  
14 PRISONS JAMES DZURENDA; WARDEN  
15 BRIAN WILLIAMS, HDSP; ASSOCIATE  
16 WARDEN JENNIFER NASH; ASSOCIATE  
17 WARDEN PERRY RUSSELL; ACTING  
18 ASSOCIATE WARDEN T. TIERNES; CASE  
19 WORKER ENNIS WRIGHT and  
20 LAWLIBRARY SUPERVISOR JAQUES  
GRAHAM; FOOD SUPERVISOR MANAGER  
DWAINE WILSON; ATTORNEY GENERAL  
FRANK A. TODDRE, II, DISTRICT COURT  
JUDGE JERRY A WIESE; SGT. ALEXIS  
LOZANO; SGT. JULIE MATOUSEC; SGT.  
DUGAN; OFFICER JOEL QUEROZ, sued in the  
Individual and Official capacities,

21 Defendants.

2:18-cv-00237-APG-VCF

**ORDER**

22 Before the Court is Plaintiff's Motion for Law Library Access or in the Alternative Motion For  
23 Appointment of Counsel (ECF No. 166). Plaintiff's motion seeks two requests (1) appointment of counsel  
24 and (2) law library access.

25 A litigant in a civil rights action does not have a Sixth Amendment right to appointed counsel.  
*Storseth v. Spellman*, 654 F.2d 1349, 13253 (9th Cir. 1981).

1 The court may appoint counsel under 28 U.S.C. § 1915 only under exceptional circumstances.  
2 *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). “A finding of exceptional circumstances requires  
3 an evaluation of both the likelihood of success on the merits and the ability of the petitioner to articulate  
4 his claims *pro se* in light of the complexity of the legal issues involved. Neither of these factors is  
5 dispositive and both must be viewed together before reaching a decision.” *Id.* (citations and internal  
6 quotation marks omitted). The court has reviewed the complaint and filings in this case. Here, the Court  
7 does not find exceptional circumstances that warrant the appointment of counsel.

8 Under LR IC 2-2(b), [f]or each type of relief requested or purpose of the document, a separate  
9 document must be filed. Plaintiff’s motion for law library access is filed as part of his motion for  
10 appointment of counsel. Plaintiff’s motion for law library access is denied without prejudice. Plaintiff  
11 may refile his motion for law library access as a separate motion, in which the only relief requested is an  
12 injunction.

13 Accordingly,

14 IT IS HEREBY ORDERED that Plaintiff’s Motion For Appointment of Counsel (ECF No. 166)  
15 is DENIED.

16 IT IS FURTHER ORDERED that Plaintiff’s Motion for Law Library Access (ECF No. 166) is  
17 DENIED without prejudice.

18 DATED this 13th day of April, 2021.



19 CAM FERENBACH  
20 UNITED STATES MAGISTRATE JUDGE  
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